ATTACHMENT 36

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SURGICAL INSTRUMENT SERVICE COMPANY, INC.,	)	
Plaintiff,	)	
vs.	)	Case No. 3:21-CV-03496-VC
INTUITIVE SURGICAL, INC.,	)	
Defendant.	)	

VIRTUAL VIDEOCONFERENCE VIDEO-RECORDED
DEPOSITION OF GREG POSDAL
30(B)(6), SURGICAL INSTRUMENT SERVICE COMPANY

Tuesday, November 1, 2022
Remotely Testifying from Phoenix, Arizona

Stenographically Reported By:
Hanna Kim, CLR, CSR No. 13083
Job No. 5541334-A

to the conclusion that the reset process does not create any sort of an FDA regulatory issue?

MR. McCAULLEY: Objection. Form.

THE WITNESS: I'm not -- not sure how to answer that. I'm not sure how to answer that. We -- we -- in -- in any of the items that we've repaired -- repaired, we haven't needed any kind of -- there -- there was no need for that. And simply resetting the number, I guess we relied on Rebotix for that information. 09:50:58 09:51:26

BY MR. CHAPUT:

Q. So SIS did not independently consider whether regulatory clearance was necessary to market the EndoWrist in- -- EndoWrist reset process?

A. Correct. 09:51:45

MR. SNYDER: Objection to form.

THE WITNESS: Correct.

I'm sorry.

BY MR. CHAPUT:

Q. Let's move on to Topic Number 4. This is, "All activities relating SIS's inspection and repair of EndoWrist instruments, including all steps SIS takes to inspect and repair EndoWrist instruments and SIS's procedures and practices relating to such inspection and repair." 09:51:52 09:52:12

any of its customers?

A. Not to my knowledge. Discussions were probably had as to the potential or probable savings with specific respect to that facility or facilities, the number of instruments, the number of cases, the number of robots they had. And there were probably calculations by the facility as to what they could save with this process. 10:29:22

Q. Okay. We can move on to Topic 7. This is: "SIS's regulatory compliance efforts with respect to the services SIS markets or performs on, or in connection with, EndoWrist Instruments." [As read] 10:30:04

Are you prepared to testify regarding Topic 7? 10:30:17

A. Yes, I am.

Q. And I think that we -- we may earlier have already kind of heard the answer to at least part of this.

Am I correct in understanding that SIS has not taken any independent steps to ensure that the EndoWrist reset process complies with FDA regulatory requirements? 10:30:26

A. That is correct.

MR. SNYDER: Objection to form. 10:30:40